

## United States Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,060	11/22/2000	Hajime Nishihara	0216-0445P	2421 .
BIRCH ST PO BOX 74	7590 04/24/2003 CEWART KOLASCH & BIRCH 17 URCH, VA 22040-0747		EXAMINER DANGE	
FALLS CHU			BUTTNER, DAVID J  ART UNIT PAPER NUMBER.	
	•		1712	
			DATE MAILED: 04/24/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   O9/17,080   O9/17,080   O9/17,080   NISHIHARA, HAJIME    - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply    A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  1 Ethings and term was evanished under the previous of 37 CPR 1-136(s). In co event, however, may a reply be timply filed    1 If the period for reply application only the period for Reply (30 days, a reply within the statutory minimum of thiny (30) days will be considered timely.  1 If the period for reply application become ABANDONED (35 U.S.C. § 130).  1 If the period for reply application for major veri, by statistic, cause the application to become ABANDONED (35 U.S.C. § 130).  2   This action is FINAL   20			47_				
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Attachment(s)							
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1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)  4) Interview Summary (PTO-413) Paper No(s)  5) Notice of Informal Patent Application (PTO-152)  6) Other:	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal	• • • • • • • • • • • • • • • • • • • •				

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Claims 1-4 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over the Serizawa Patent.

Serizawa exemplifies (C7) a blend of PC with 4 pph of an aromatic polysiloxane.

The MW of the polysiloxane is 40,000 and therefore would be expected to have the viscosity of claim 4.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over the Brown Patent.

The reference adds phenyl containing polysiloxane to PC. The amount of aromaticity can vary depending on the value of X and Y.

Regarding claim 3, use of any two polysiloxanes within the scope of the reference would be prima facie obvious (see MPEP 2144.06 "combining equivalents").

Inherently, flame retardance must be imparted to the PC.

Claims 1-4 and 13 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over the Sakano Patent.

Sakano exemplifies (#2, 4) blends of PC, polymethyl phenylsiloxane and optionally ABS. The MW of the siloxane is 25,000 which is believed to correspond to a viscosity above 100 cst. Sakano gives a general range 10-100,000 cst (col. 3, line 1). Inherently, the siloxane must impart flame retardancey.

Claims 1-5 and 13 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over the JO 9087504 Patent.

The reference exemplifies (#1-3) blends of PC, polycaprolactone and SH710. SH710 is a polymethylphenylsiloxane having a viscosity of 500 cst and 40% phenyl

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substituents (see Gokan col. 5, lines 36-38). Inherently SH710 must impart flame retardancey.

Regarding claim 3, the use of any two polysiloxanes within the scope of the reference would be prima facie obvious (see MPEP 2144.06 "combining equivalents").

Claims 1-5, 13 and 14 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over the J0 7196871 Patent.

The reference exemplifies (#1) a blend of polycarbonate, ABS, SAN, phosphate flame retardant, PTFE and TSF-437. TSF-437 is poly(methyl phenyl siloxane). Uemura (col. 11, line 60) can be cited to confirm the identity of TSF-437.

Applicant's arguments filed 2/14/03 have been fully considered but they are not persuasive.

Applicant argues Brown, Sakano, Serizawa and J0 9087504 do not teach flame retardance as a benefit of their polysiloxanes.

Simply because a reference is silent as to an inherent characteristic is no reason. for allowance. The references use the same materials (i.e., PC + linear aromatic polysiloxane) in the same amounts as applicant. This is the rationale tending to show inherency required by MPEP 2112.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Buttner whose telephone number is 703-308-2403. The examiner can normally be reached on Weekdays from 10:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Dawson can be reached on 703-308-2340. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

DAVID J. BUTTNER PRIMARY EXAMINER

D. Buttner/mn April 23, 2003 David strong